

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2664 of 1985

For Approval and Signature:

Hon'ble MR.JUSTICE S.D.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NANJIBHAI PRAGJIBHAI

Versus

DIRECTOR GENERAL

Appearance:

MRS. SANGITA PAHUWA for Petitioner
SERVED for Respondent No. 1, 2

CORAM : MR.JUSTICE S.D.DAVE
Date of decision: 30/08/96

ORAL JUDGEMENT

The present petition requires a partial recognition. The petitioners were appointed to the post of Operation Theatre Assistants in General Hospital at Junagadh, and that, the petitioners when the petition came to be filed had already put in the service of morethan about thirty years. The grievance of the petitioners is that, they are not being treated as

Class-III employees and in the same way they are not treated as Class-IV employees. The principal prayer therefore is that, the respondents should be directed to treat the petitioners as Class-III employees so that they could be put in a higher pay scale. The alternative prayer is that, if the principal prayer could not be granted, then, the petitioners should be treated as Class-IV employees. The alternative prayer is being asked for, for the simple reason that, if the petitioners are to be treated as Class-IV employees they could get a longer span of service and certain other benefits.

It appears that, though the respondents are duly served there is no appears on their behalf. In the same way, naturally, there is no counter coming from them. Therefore, upon hearing learned counsel Mrs. Sangita Pahuwa appearing for the petitioners, it appears that, the present petition requires a partial recognition and the alternative prayer requires to be granted.

Learned counsel for the petitioners makes it abundantly clear that the petitioner no.1 has retired somewhere in May 1984, while the petitioner no.2 has retired in year 1988. If the petitioners were not to be treated as Class-III employees, they were required to be treated atleast as Class-IV employees. The petition therefore requires to be allowed to the said extent and the same is hereby accordingly allowed. Prayer (B) is granted and therefore it is hereby ordered and directed that the petitioners should be treated as Class-IV employees, who would be entitled to all the benefits available to the said class of employees. Rule is made absolute accordingly.